

BOARD OF APPEALS CASE NO. 4955

BEFORE THE

APPLICANT: Harford County Government

ZONING HEARING EXAMINER

REQUEST: Interpretation to correct a
mapping error; 2700 Laurel Brook Road,
Fallston

OF HARFORD COUNTY

HEARING DATE: August 11, 1999

Hearing Advertised

Aegis: 7/9/99 & 7/14/99

Record: 7/9/99 & 7/16/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant is Harford County Government Department of Planning and Zoning. The Applicant is requesting an interpretation to correct a mapping error in the 1997 Comprehensive Rezoning.

The subject parcel is owned by Milton and Helen Martin, et al., and is located at 2700 Laurel Brook Road in the Third Election District. The parcel is identified as Parcel No. 60, in Grid 1-F, on Tax Map 52. The entire parcel contains 172.22 acres and is zoned Agricultural and Rural Residential.

Mr. Anthony S. McClune, Manager, Department of Land Use Management appeared and testified that the subject property was zoned Agricultural in the 1957 Comprehensive Rezoning. Mr. McClune said that the property remained Agricultural until the 1997 Comprehensive Rezoning when the property owners requested that approximately 58 acres of the 172 acre farm be rezoned from Agricultural to Rural Residential. Mr. McClune referred to Attachment No. 6 of the Staff Report which sets forth the area which the property owner requested to be rezoned in the Comprehensive Rezoning. Mr. McClune said that he has reviewed the records of the 1997 Comprehensive Rezoning and the records are clear that the property owner was granted reclassification of 58 acres from the Agricultural to the RR classification by the County Council.

Mr. McClune referred to Attachment 9 of the Staff Report and testified that the shape and location of the requested area is also clear and that a drafting error occurred when the 1997 Comprehensive Rezoning maps were prepared.

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One area resident did appear and testified with respect to the ecological impact of the reclassification. However, the area resident did not offer testimony that a drafting error did not, in fact, occur.

CONCLUSION:

The Harford County Department of Planning and Zoning is requesting an interpretation pursuant to Section 267-10(D) of the Harford County Code to correct a mapping error in the 1997 Comprehensive Rezoning.

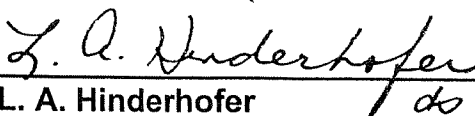
Section 267-10(D) provides:

"Map errors: permitting adjustment of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map-drafting error which occurred during the comprehensive rezoning process."

The uncontradicted testimony of Mr. Anthony S. McClune of the Department of Planning and Zoning was that a drafting error did, in fact, occur as set forth in Mr. McClune's testimony. One area resident did testify about the ecological impact of reclassifying the property. However, the area resident did not offer any testimony with respect to whether or not a drafting error did, in fact, occur. The Hearing Examiner advised the area resident who testified that the only issue before the Hearing Examiner was whether or not a drafting error occurred and that the ecological impact could not be considered at this time.

It is the finding of the Hearing Examiner that a mapping error did occur and that the intent of the County Council was to rezone 58 acres of the subject parcel from the Agricultural classification to the Rural Residential classification. It is, further, the finding of the Hearing Examiner that an adjustment is necessary to rectify the map drafting error in the 1997 Comprehensive Rezoning.

Date AUGUST 26, 1999



L. A. Hinderhofer
Zoning Hearing Examiner